

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : ADE CORPORATION
International
Application No. : PCT/US00/34806
Filed : 22 December 2000
For : SPECIMEN TOPOGRAPHY
RECONSTRUCTION
Attorney Docket No. : ADE-066Xq999

DECLARATION OF LIN B. OLSEN, ESQ. IN SUPPORT OF
FILING WITHOUT THE SIGNATURE OF AN INVENTOR UNDER 37
C.F.R. §1.47(a).

I, Lin B. Olsen, declare as follows:

1. I am the associate attorney of record for the above-identified patent application. I make this declaration providing facts in support of filing without the signature of inventor Alexander Belyeav.

2. The above-identified application listed as co-inventors Jaydeep Sinha and Alexander Belyeav.

3. The above identified application was filed on 22 December, 2000 with the PCT receiving office at the United States Patent and Trademark office, and a PCT Request properly executed by all the listed inventors, except Alexander Belyeav, is being submitted herewith to the PCT Receiving Office.

4. I have attempted to secure the signature of the inventor, Alexander Belyeav.

5. On February 12, 2001, I sent a copy of the above-identified patent application and transmittal paperwork to Keith Long of Kirkpatrick and Lockhart, ADE Corporation's litigation attorney requesting a response by March 6, 2001.

6. On Feb 14, 2001, said Keith Long confirmed that he had sent this paperwork to Larry Reece, Mr. Belyeav's attorney.

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7. On Feb 15, 2001, Mr. Long informed me that Mr. Reece had informed him that he would recommend that Mr. Belyeav not sign the application.

8. On Feb 16, 2000, I sent to Mr. Long a statement to be forwarded to Mr. Reece for his signature, said statement documenting that he would not recommend that Mr. Belyeav sign.

9. On Feb 23, 2001 Mr. Long informed me telephonically that Mr. Reece was reluctant to sign the statement previously forwarded to him. Mr. Long and I discussed alternatives to said statement. I indicated that a statement signed by Mr. Belyeav indicating that he refused to sign the application at this time would be sufficient.

10. On Feb. 27, 2001, Mr. Long forwarded to me a proposed statement to be signed by Mr. Belyeav.

11. On Feb 27, 2001, Mr. Charles Gagnebin, Esq. and I reviewed that statement and I indicated to Mr. Long telephonically that the statement was sufficient.

12. On Feb 27, 2001, Mr. Long was requested to have the signed statement sent directly to me.

13. On March 5, I received a signed affidavit from Mr. Belyeav indicating his refusal to sign the application.

14. A copy of this affidavit is submitted with this statement.

Signed this 12 day of March, 2001



Enclosure

AFFIDAVIT OF ALEX BELYAEV

I, Alex Belyaev, hereby depose and state as follows:

1. I was formerly employed by ADE Corporation. I am now employed by KLA-Tencor Corporation.
2. ADE has recently asked me to sign a patent application regarding "Specimen Topography Reconstruction" relating to my work at ADE. Because there is a pending lawsuit between ADE and me and KLA-Tencor Corporation, I am declining to sign the patent application at this time.

Signed under the penalties of perjury on this 2 day of ^{March} ~~February~~ 2001.

Alex Belyaev
Alex Belyaev

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